

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the application of)	
NATIONAL CHOICE ENERGY, LLC,)	Case No. U-18359
for a license as an alternative gas supplier.)	
_____)	

At the July 31, 2017 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

PRESENT: Hon. Sally A. Talberg, Chairman
Hon. Norman J. Saari, Commissioner
Hon. Rachael A. Eubanks, Commissioner

ORDER GRANTING LICENSE

On March 22, 2017, National Choice Energy, LLC, (NCE) applied for a license to operate as an alternative gas supplier (AGS) within Michigan pursuant to 2002 PA 634, MCL 460.9 *et seq.* (Act 634). As part of its application, NCE provided information to demonstrate compliance with the AGS license requirements set forth in Act 634 and the Commission’s March 12, 2003 order in Case No. U-13694 establishing the AGS licensing procedure (March 12 order).

Act 634 requires an AGS to have the necessary financial, managerial, and technical capabilities to serve customers within the state of Michigan.¹ In accordance with the March 12 order, the Commission Staff (Staff) must review the application of the AGS licensure for conformance with Act 634 and with the Commission’s orders. The Staff then must recommend appropriate action regarding that application to the Commission.

¹ See, 2002 PA 634, MCL 460.9b(3).

The Staff reviewed NCE's license application and information and has recommended this company be granted a license to operate as an AGS in Michigan.

The application indicated that NCE is a wholly-owned, privately-held company headquartered in Miramar, Florida. NCE was organized in Nevada on August 24, 2016. NCE registered with the Michigan Corporations Division on November 16, 2016, ID Number E9147H.

NCE is a startup company that does not currently serve any retail customers. It has pending electric and gas licensing applications in Pennsylvania and New Jersey, and a pending gas licensing application in Florida.

Upon review of NCE's personnel descriptions and histories, the Staff observed that its key personnel are seasoned executives with experience in the energy industry, from managing and overseeing operations to marketing, sales, and customer service. NCE will respond to customer inquiries and complaints during regular business hours in a timely manner through its contracted customer call center, which is supported by its in-house customer service and supervised by its management team. Based on its review, the Staff has determined that NCE is well-qualified with sufficient experience and expertise to serve customers in Michigan's Gas Customer Choice Program.

Based upon the information provided by NCE and the recommendation of the Staff, the Commission finds that NCE possesses the appropriate managerial and technical capabilities to serve customers within the state of Michigan.

NCE has provided the Staff with a surety bond in the amount of \$100,000. Based on its review of the financial documents and the satisfied bond requirement, the Staff determined that NCE's financial capabilities and availability meet Act 634 requirements. The Commission agrees.

Act 634 requires NCE to maintain an office within the state of Michigan.² NCE has an established office in Kalamazoo, Michigan. The Staff determined that NCE has met the office requirements for licensing. The Commission agrees.

Based on NCE's submissions and the Staff's review, the Commission finds that NCE's request to be licensed as an AGS is reasonable and in the public interest, and that it should be approved. However, the grant of the license is conditioned upon compliance with all of the applicable provisions of Act 634, the Commission's orders and administrative rules, and each of the delivering natural gas utilities' tariffs. Failure to comply with any of these provisions may result in revocation of the license or other penalties.

THEREFORE, IT IS ORDERED that:

- A. National Choice Energy, LLC, is granted a license as an alternative gas supplier.
- B. National Choice Energy, LLC, shall comply with the regulatory requirements specified in 2002 PA 634, MCL 460.9 *et seq.*; the Commission's orders and administrative rules; and each of the delivering natural gas utilities' tariffs.

The Commission reserves jurisdiction and may issue further orders as necessary.

² See, 2002 PA 634, MCL 460.9b(2).

Any party desiring to appeal this order must do so in the appropriate court within 30 days after issuance and notice of this order, under MCL 462.26. To comply with the Michigan Rules of Court's requirement to notify the Commission of an appeal, appellants shall send required notices to both the Commission's Executive Secretary and to the Commission's Legal Counsel. Electronic notifications should be sent to the Executive Secretary at mpscedockets@michigan.gov and to the Michigan Department of the Attorney General - Public Service Division at pungp1@michigan.gov. In lieu of electronic submissions, paper copies of such notifications may be sent to the Executive Secretary and the Attorney General - Public Service Division at 7109 W. Saginaw Hwy., Lansing, MI 48917.

MICHIGAN PUBLIC SERVICE COMMISSION

Sally A. Talberg, Chairman

Norman J. Saari, Commissioner

Rachael A. Eubanks, Commissioner

By its action of July 31, 2017.

Kavita Kale, Executive Secretary